

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ADRIAN PALACIOS,

Petitioner,

vs.

No. CIV 19-1088-MV-GBW  
No. CR 18-3898-MV-GBW

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**  
**ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**


This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PFRD”) (*doc. 10*), recommending that the Court deny Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (*doc. 1*) and dismiss all claims with prejudice.

This case was referred to the Magistrate Judge to conduct hearings and perform legal analysis pursuant to 28 U.S.C. § 636(b)(1)(B), (b)(3) and *Va. Beach Fed. Savings & Loan Ass’n v. Wood*, 901 F.2d 849 (10th Cir. 1990). *See doc. 8*. The Magistrate Judge filed his PFRD recommending dismissal on June 26, 2020. *Doc. 10*. Neither Petitioner nor Respondent filed objections to the Magistrate Judge’s PFRD within the allotted time. Appellate review of these issues is therefore waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996).

Failure to object to the PFRD also waives the right to *de novo* review by the district court. *See id.* at 1060; *Thomas v. Arn*, 474 U.S. 140, 149–150 (1985). Nevertheless, the Court elected

to conduct a *de novo* review of the Magistrate Judge's findings in this case. *See One Parcel*, 73 F.3d at 1061. The Court hereby concurs with all of the factual and legal conclusions recited therein.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 10*) are ADOPTED. Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (*doc. 1*) is DENIED, and this case is DISMISSED WITH PREJUDICE.

  
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MARTHA VÁZQUEZ  
UNITED STATES DISTRICT JUDGE